

Please type a plus sign (+) inside this box ☐

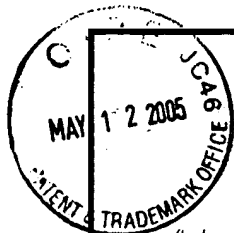
+

5-16-5  
09/068,377

PTO/SB/21 (6-99)

Approved for use through 09/30/2000. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Patent Number	6,887,705 B1
Issue Date	MAY 3, 2005 <b>Certificate</b>
First Named Inventor	LAURENCE A. LAMAY <b>MAY 18 2005</b>
Group/Art Unit	1642 <b>of Correction</b>
Examiner Name	RAWLINGS, STEPHEN L.
Attorney Docket Number	39766-0061 CP2

Total Number of Pages in This Submission

10

## ENCLOSURES (check all that apply)

☒ **FEE TRANSMITTAL FORM**

☐ Fee Attached

☐ Amendment / Response

☐ After Final

☐ Version With Markings Showing Changes

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/ Incomplete Application

☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

☐ Copy of Notice

☐ Copy of an Assignment

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition Routing Slip (PTO/SB/69) and Accompanying Petition

☐ Petition to Convert to a Provisional Application

☐ Power of Attorney, by Assignee to Exclusion of Inventor Under 37 C.F.R. §3.71 With Revocation of Prior Powers

☐ Terminal Disclaimer

☐ Small Entity Statement

☐ Request for Refund

☐ After Allowance Communication to Group

☐ Appeal Communication to Board of Appeals and Interferences

☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ **ADDITIONAL ENCLOSURE(S) (PLEASE IDENTIFY BELOW):**

☒ **REQUEST FOR CERTIFICATE OF CORRECTION; CERTIFICATE OF CORRECTION; COPY OF NOTICE OF ALLOWANCE DATED 12/10/04; and STAMPED RETURN POSTCARD**

Remarks

**AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER, REFERENCING ATTORNEY'S DOCKET NO. 39766-0061 CP2.**

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual name

HELLER EHRMAN LLP

JAMES A. FOX (Reg. No. 38,455)

275 Middlefield Road, Menlo Park, California 94025

Telephone: (650) 324-7000

Facsimile: (650) 324-0638

Signature

Date

MAY 12, 2005

Customer Number:

25213

## CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: **MAIL STOP CERTIFICATE OF CORRECTIONS BRANCH, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on this date: MAY 12, 2005**

Express Mail Label EL 993 635 900 US

Typed or printed name

C. FONG

Signature

Date

MAY 12, 2005

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop \_\_\_, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

MAY 23 2005



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	) Examiner: Stephen L. Rawlings
Laurence A. LASKY, et al.	) Art Unit: 1642
U.S. Patent No. 6,887,705 B1	) Application Serial No. 09/068,377
Issued: May 3, 2005	) Filed: May 8, 1998
For: <b>TYROSINE PHOSPHORYLATED</b>	) Attorney's Docket No. 39766-0061 CP2
<b>CLEAVAGE FURROW-ASSOCIATED</b>	)
<b>PROTEINS (PSTPIPS)</b>	) Customer No. 25213

EXPRESS MAIL LABEL NO. EL 993 635 900 US  
DATE MAILED: MAY 12, 2005

**REQUEST FOR CERTIFICATE OF CORRECTION**

**MAIL STOP CERTIFICATE OF CORRECTIONS BRANCH**

Commissioner for Patents  
PO Box 1450  
Alexandria Virginia 22313-1450

Sir:

Patentee hereby requests a Certificate of Correction.

The requested change corrects errors in the Claims, in the field (74) *Attorney, Agent or Firm*, and in the field § 371 (c)(1), (2), (4) Date.

The requested correction to the claims corrects claim 1 to include words added by Examiner's Amendment as recorded in the Notice of Allowance and Issue Fees Due mailed December 10, 2004.

Claim 1 should read, and Patentee hereby requests that Claim 1 be corrected to read as follows:

1. An antibody that specifically binds to a PST phosphatase interacting protein (PSTPIP) polypeptide of SEQ ID NO:1, wherein said antibody is not an anti-phosphotyrosine antibody.

The correction lies in the addition of the comma and the final phrase "wherein said antibody is not an anti-phosphotyrosine antibody." This final phrase was added to claim 1 by the Examiner in an Examiner's amendment (copy enclosed).

The field "(74) *Attorney, Agent or Firm*" should read, and Patentee hereby requests that field (74) be corrected to read as follows:

*Attorney, Agent or Firm:* Kresnak; Mark T., Dreger; Ginger R., Heller Ehrman White & McAuliffe LLP

The correction lies in the spelling of the name "Kresnak" which was incorrectly spelled "Kresniak" on the face of the issued patent.

The field "§ 371 (c)(1), (2), (4) Date" should read, and Patentee hereby requests that field " § 371 (c)(1), (2), (4) Date" be corrected to read as follows:

May 8, 1998

The correction lies in the year "1998" which was incorrectly written as "1999" on the face of the issued patent. Please note that the correct date of "1998" was listed on the "Notice of Allowance and Fee(s) Due" (copy enclosed).

These errors arose due to a typographical error on the part of the United States Patent and Trademark Office, and were not due to incorrect submissions on the part of the Patentee during prosecution of the application for patent.

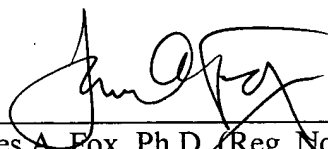
Patentee therefore submits that this is an appropriate case for a Certificate of Correction. Submitted herewith is a completed Form PTO-1050 containing the requested correction.

A return receipt postcard is enclosed.

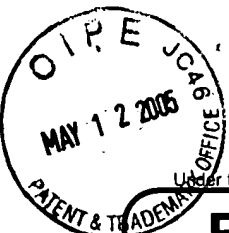
The Commissioner is authorized to charge the filing fee of \$100.00 for the Certificate of Correction, and any additional fees that may be required, or credit any refund, to Deposit Account No. 08-1641, referencing Attorney's Docket No. 39766-0061 CP2.

Respectfully submitted,

Date: May 12, 2005

By:   
James A. Fox, Ph.D. (Reg. No. 38,455)

**HELLER EHRMAN LLP**  
275 Middlefield Road  
Menlo Park, California 94025-3506  
Telephone: (650) 324-7000  
Facsimile: (650) 324-0638



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)**100.00****Complete if Known**

Patent Number	6,887,705 <b>B1</b>
Issue Date	<b>MAY 3, 2005</b>
First Named Inventor	<b>LAURENCE A. LASKY</b>
Examiner Name	<b>STEPHEN L. RAWLINGS</b>
Art Unit	<b>1642</b>
Attorney Docket No.	<b>39766-0061 CP2</b>

**METHOD OF PAYMENT** (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit  
Account  
Number  
Deposit  
Account  
Name**08-1641 (39766-0061 CP2)****HELLER EHRMAN LLP**

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee  
to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	300	2001	150	Utility filing fee	
1002	200	2002	100	Design filing fee	
1003	200	2003	100	Plant filing fee	
1004	300	2004	150	Reissue filing fee	
1005	200	2005	100	Provisional filing fee	
SUBTOTAL (1)					(\$)

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims		Extra Claims		Fee from below		Fee Paid	
Independent Claims		-20** =		X			
Multiple Dependent		-3** =		X			

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	50	2202	25	Claims in excess of 20	
1201	200	2201	100	Independent claims in excess of 3	
1203	360	2203	180	Multiple dependent claim, if not paid	
1204	200	2204	100	** Reissue independent claims over original patent	
1205	50	2205	25	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION** (continued)**3. ADDITIONAL FEES**

Large Entity

Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	500	2452	250	Petition to revive - unavoidable	
1453	1,500	2453	750	Petition to revive - unintentional	
1501	1,400	2501	700	Utility issue fee (or reissue)	
1502	800	2502	400	Design issue fee	
1503	1,100	2503	550	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) <b>REQUEST FOR CERTIFICATE OF CORRECTION</b>					<b>100.00</b>
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)					(\$) <b>100.00</b>

**SUBMITTED BY**

(Complete if applicable)

Name (Print/Type)	<b>JAMES A. FOX</b>	Registration No. (Attorney/Agent)	<b>38,455</b>	Telephone	<b>(650) 324-7000</b>
Signature		Date	<b>MAY 12, 2005</b>		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

**SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**MAY 23 2005**

## UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO. : **6,887,705 B1**  
DATED : **May 3, 2005**  
INVENTOR(S) : **Lawrence A. Lasky and Donald J. Dowbenko**

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In the claims:

Amend Claim 1 by adding - -, wherein said antibody is not an anti-phosphotyrosine antibody- - to the end of the claim, to read as follows:

1. An antibody that specifically binds to a PST phosphatase interacting protein (PSTPIP) polypeptide of SEQ ID NO:1, wherein said antibody is not an anti-phosphotyrosine antibody.

On the face of the patent:

In the field "§ 371 (c)(1), (2), (4) Date" change "May 8, 1999" to - -May 8, 1998- -.

In the field "(74) Attorney, Agent or Firm" change "Kresniak" to - - Kresnak- - to read::

(74) Attorney, Agent or Firm: Kresnak; Mark T., Dreger; Ginger R., Heller Ehrman White & McAuliffe LLP

### MAILING ADDRESS OF SENDER:

James A. Fox, Reg. No. 38,455  
HELLER EHRMAN WHITE & MCAULIFFE LLP  
275 Middlefield Road  
Menlo Park, CA 94025  
Telephone: (650) 324-7000  
Facsimile: (650) 324-6654

DOCKET NO. 39766-0061 CP2

No. of additional copies: 1



This collection of information is required by 37 C.F.R. 1.322, 1.323 and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 C.F.R. 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions by reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

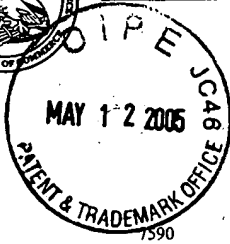
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

MAY 23 2005



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov



## NOTICE OF ALLOWANCE AND FEE(S) DUE

Ginger R Dreger  
heller Ehrman White & McAuliffe LLP  
275 Middlefield Road  
Menlo Park, CA 94025

12/10/2004

RECEIVED  
DEC 13 2004  
HEWM LLP - P.A.

EXAMINER

RAWLINGS, STEPHEN L

ART UNIT

PAPER NUMBER

1642

DATE MAILED: 12/10/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/068,377	05/08/1998	LAURENCE A. LASKY	P1066P2	2255

TITLE OF INVENTION: TYROSINE PHOSPHORYLATED CLEAVAGE FURROW-ASSOCIATED PROTEINS (PSTPIPS)

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$0	\$1400	03/10/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

## HOW TO REPLY TO THIS NOTICE:

## I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

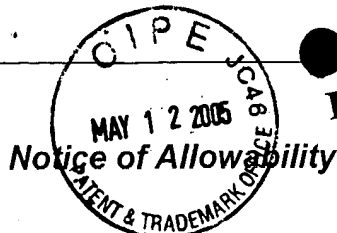
A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



RECEIVED  
DEC 13 2004  
HEWM LLP - P.A.

Application No.

09/068,377

Examiner

Stephen L. Rawlings, Ph.D.

Applicant(s)

LASKY ET AL.

Art Unit

1642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 29 October 2004.
2. ☒ The allowed claim(s) is/are 16-18 and 24.
3. ☒ The drawings filed on 08 May 1998 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

LARRY R. HELMS, PH.D.  
PRIMARY EXAMINER

Art Unit: 1642

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James A. Fox on December 2, 2004.

The application has been amended as follows:

Claim 24 has been amended as follows:

24. (currently amended) An antibody that specifically binds to a PST phosphatase interacting protein (PSTPIP) polypeptide of SEQ ID NO:1, wherein said antibody is not an anti-phosphotyrosine antibody.

The specification has been amended as follows:

The paragraph at page 1 beginning at line 4 has been replaced with the following:

This application is the National Stage of International Application PCT/US98/01774 filed January 30, 1998, which claims priority to U.S. Provisional Application No. 60/104,589 filed February 7, 1997, and is a continuation-in-part of U.S. Application No. 08/938,830 filed September 29, 1997, now U.S. Patent No. 6,040,437 issued March 21, 2000, which claims priority to U.S. Provisional Application No. 60/104,589 filed February 7, 1997.



Art Unit: 1642

The following is an examiner's statement of reasons for allowance:

The claims are drawn to a genus of antibodies that specifically bind the PSTPIP of SEQ ID NO: 1. The specification describes this genus of antibodies as including anti-phosphotyrosine antibodies; see, e.g., Figure 6; page 4, line 32, through page 5, line 7; and page 47, line 19, through page 51, line 2.

Although the prior art teaches an antibody that specifically binds the polypeptide, namely an anti-phosphotyrosine antibody (see, e.g., Sodhi et al. and Frackelton et al., which are both of record), claim 24 deliberately excludes this species of antibody from the claimed subject matter.

The disclosure of both the genus *and* the species, which has deliberately been excluded from the claimed subject matter by the proviso exclusion of that species, is proper, since the specification, having described the whole, must necessarily have described the part remaining after the proviso exclusion of the species disclosed by the prior art. See *In re Johnson*, 558 F.2d 1008, 1019, 194 USPQ 187 (CCPA 1977); see MPEP § 2173.05(i).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen L. Rawlings, Ph.D. whose telephone number is (571) 272-0836. The examiner can normally be reached on Monday-Friday, 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Siew can be reached on (571) 272-0787. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1642

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen L. Rawlings, Ph.D.  
Examiner  
Art Unit 1642

slr  
December 3, 2004